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 INSURANCE COMPANY OF AMERICA

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

KIMBERLEY ANN WOO, AS TRUSTEE  
 OF THE WILBUR AND DOLORES L.  
 WOO 1987 IRREVOCABLE TRUST,

Plaintiff,

vs.

THE PRUDENTIAL INSURANCE  
 COMPANY OF AMERICA, and DOES 1  
 through 10,

Defendants.

No. C 06-03545 CRB

(San Francisco Superior Court  
 Case No. CGC 06-451976)

Complaint Filed: May 5, 2006

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER RE CONTINUANCE OF CASE  
 MANAGEMENT CONFERENCE**

**STIPULATION**

Pursuant to this Court's Order of August 14, 2006 referring this case to mediation, mediation was previously scheduled to go forward on December 6, 2006 with Arnold B. Haims, Esq. Following investigation and discovery, plaintiff's counsel determined that it would be advisable to include a third party, attorney Richard S. Linder (and his insurer) in the mediation of this matter. Accordingly, a stipulation and proposed order to extend time in which to conduct the mediation was submitted to the Court, to give Mr. Linder and his insurance carrier time to become conversant with the case in order to attend the mediation in a meaningful manner. On November 28, 2006, this Court granted the stipulation and order, extending the deadline for mediation up to and including February 26, 2007. The Court further vacated a case management conference set for December 15, 2006 and rescheduled it for March 2, 2007.

On November 28, 2006, attorney Jerry Hauser of the law firm of Phillips, Greenberg & Hauser in San Francisco contacted counsel for plaintiff and advised that he had been retained by Mr. Linder's insurance carrier, Liberty Mutual, to represent Mr. Linder. Mr. Hauser indicated that Mr. Linder and Liberty Mutual would be willing to voluntarily attend the mediation in an effort to resolve the case, without the necessity of amending the complaint to formally assert a cause of action against Mr. Linder.

Mr. Hauser reviewed the pleadings and documents previously produced in this matter, and requested further documents and information from plaintiff and defendant. Based on these additional, informal discovery proceedings, as well as Mr. Linder's unavailability during the month of February, the parties were unable to schedule a mediation date before February 26, 2007.

However, the parties have scheduled a mediation with Mr. Haims for March 21, 2007, at which time all parties and interested persons are available. The parties therefore requested and stipulated to a continuance of at least 60 days, so that the mediation might include all necessary and interested parties.

WHEREAS, the parties have rescheduled the mediation to take place on March 21, 2007, the parties request that the current case management conference set for March 2, 2007 be vacated

1 and rescheduled for a date on or after April 13, 2007.

2 Dated: February 13, 2007

3 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN  
4 Professional Law Corporation

5  
6 By: \_\_\_\_\_/s/\_\_\_\_\_  
JEFFREY R. LOEW  
Attorneys for Plaintiff  
7 Kimberley Ann Woo, Trustee Of The Wilbur  
and Dolores L. Woo 1987 Irrevocable Trust  
8

9  
10 Dated: February 13, 2007

GORDON & REES, LLP

11  
12 By: \_\_\_\_\_/s/\_\_\_\_\_  
DONALD W. REES  
LESLIE K. CRARY  
Attorneys for Defendant  
13 PRUDENTIAL INSURANCE COMPANY OF  
14 AMERICA  
15

16 I, JEFFREY R. LOEW, hereby attest that Leslie Crary, counsel for Defendant, concurs in  
17 the filing of this stipulation.

18 Dated: February 13, 2007

19 By: \_\_\_\_\_/s/\_\_\_\_\_  
Jeffrey R. Loew

20 **ORDER**

21 IT IS HEREBY ORDERED that the case management conference scheduled for March  
22 2, 2007, be rescheduled for a date on or after April 13, 2007.

23 DATED: February 14, 2007

24 Judge Charles R. Breyer  
United States District Court

